

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LISA C. GOMEZ,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

19-CV-09278 (PMH) (JCM)

PHILIP M. HALPERN, United States District Judge:

Plaintiff Lisa C. Gomez (“Plaintiff”) initiated this action seeking review of a final administrative decision rendered by the Commissioner of Social Security (“Commissioner”) denying her application for benefits under Title II of the Social Security Act on October 7, 2019. (Doc. 1). On October 9, 2019, Judge Seibel, before whom this matter proceeded before being transferred to this Court on March 17, 2020, referred this matter to Magistrate Judge McCarthy. (Doc. 6). On April 22, 2020, Plaintiff filed a motion for judgment on the pleadings (Doc. 18; *see also* Doc. 19); the Commissioner cross-moved for judgment on the pleadings on July 2, 2020 (Doc. 22; *see also* Doc. 23). The parties’ motions were briefed fully with the filing of Plaintiff’s reply brief on August 7, 2020. (Doc. 27).

Magistrate Judge McCarthy, in a Report and Recommendation (“R&R”) dated December 23, 2020 and docketed on December 28, 2020, recommended that this Court “grant[] the Plaintiff’s motion for judgment on the pleadings in part, deny[] the Commissioner’s cross-motion in part, and remand[] this case pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with this Report and Recommendation.” (Doc. 28 at 68). Neither party has filed any objections to the R&R.

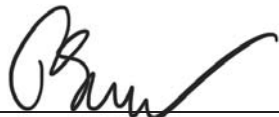
In reviewing a magistrate judge's report and recommendation, the Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Parties may object to a report and recommendation "[w]ithin fourteen days after being served with a copy . . . ." *Id.* Where, as here, "no objections to a report and recommendation are made, the Court may adopt the report if there is no clear error on the face of the record." *Roundtree v. Comm'r of Soc. Sec.*, No. 19-CV-7347, 2021 WL 431452, at \*1 (S.D.N.Y. Feb. 8, 2021) (quoting *Rivera v. Comm'r of Soc. Sec.*, 728 F. Supp. 2d 297, 303 (S.D.N.Y. 2010)).

Upon a careful and complete review of the R&R, the Court finds no clear error in Magistrate Judge McCarthy's thorough and well-reasoned analysis; and adopts the R&R in its entirety for the reasons set forth therein. Consequently, Plaintiff's motion for judgment on the pleadings is GRANTED in part, the Commissioner's cross-motion for judgment on the pleadings is DENIED in part, and this matter is REMANDED to the Commissioner for further proceedings in accordance with the conclusions reached in the R&R pursuant to sentence four of 42 U.S.C. § 405(g).

The Clerk of the Court is respectfully directed to terminate the motion sequences pending at Docs. 18 and 22, and to enter judgment accordingly.

**SO ORDERED:**

Dated: White Plains, New York  
February 22, 2021

  
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PHILIP M. HALPERN  
United States District Judge